HIGH COURT OF UTTARANCHAL AT NAINITAL.
Writ Petition no.113(SB) 2006

Vinod Chandra Rawat
S/o late Sri Chandra Singh Rawat,
Addl. Secretary, Attached with Chief Secretary,
Govt. of Uttarakhand, Dehradun,
District-Dehradun. ----Petitioner.

Versus

1. State of Uttarakhand through Chief Secretary,
(Karmik), Anubhag-1, Dehradun District Dehradun,
2. Principle Secretary (Laboour, Employment, Karmik &
Revenue Commissioner), Dehradun,
3. Commissioner (Garhwal Region), Pauri,
District Pauri Garhwal,
4. Uttarakhand Public Service Commission, through
Its Chairman, Gurukul Kangri, Haridwar,
5. Finance Officer, Irla Cheque Anubhag,
Govt. of Uttarakhand, Dehradun. ----Respondents.

Sri Rakesh Thapaliyal, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 3 and 5.
And Sri B.D. Kandpal, Adv. for respondent no.4.

Coram:- Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:

Heard Sri Rakesh Thapaliyal, learned counsel for the petitioner, Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 3 and 5. and Sri B.D. Kandpal, Adv. for respondent no.4.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari quashing of the impugned order dated 21.03.2006 passed by the Chief Secretary, Govt. of Uttarakhand by which the petitioner who was working in the pay-scale of Rs. 12,000-375-16,500 has been punished by placing him in the pay-scale of Rs. 10,000-325-15,200, after holding inquiry against him.

In the writ petition, a number of facts are disputed by the parties to be adjudicated from this Court.

Learned Standing Counsel has placed reliance on the judgment of the Division Bench of this Court in writ petition no. 630 (ss) 2006 Bhuvan Chandra Pandey and othres vs. State of Uttaranchal and others reported in 2006(2) Uttaranchal Decisions-439, in which the Division Bench has held that remedy for a Govt. servant to challenge the order passed against him, is before the State Public Service Tribunal.

In view of the observations made by the Division Bench in the Aforesaid case and also in view of the fact that disputed questions are involved to be adjudicated in the matter, this Court cannot decide the disputed question of facts under Article 226 of the Constitution of India. However, the petitioner is relegated to approach the State Public Service Tribunal.

We relegate the petitioner to avail the remedy by approaching the Public Service Tribunal, Dehradun. The Registry is directed to send the paper-book of the petition to the Tribunal concerned within a period of two weeks from today and it is expected from the Tribunal that the Tribunal shall decide the case as early as possible. No. order as to costs.

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

March 13, 2007:
NCM: